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**BEFORE THE ARIZONA CORPORATION COMMISSION**

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KRISTIN K. MAYES—Chairman  
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DOCKET CONTROL

IN THE MATTER OF THE APPLICATION  
 OF SULPHUR SPRINGS VALLEY  
 ELECTRIC COOPERATIVE, INC. FOR AN  
 ORDER INSTITUTING A MORATORIUM  
 ON NEW CONNECTIONS TO THE V-7  
 FEEDER LINE SERVING THE  
 WHETSTONE, RAIN VALLEY, ELGIN,  
 CANELO, SONOITA, AND PATAGONIA,  
 ARIZONA AREAS.

DOCKET NO. E-01575A-09-0453

**SULPHUR SPRINGS VALLEY  
 ELECTRIC COOPERATIVE,  
 INC.'S RESPONSE TO MOTION  
 TO DEMAND RESPONSES TO  
 DATA REQUESTS**

On December 31, 2009, counsel for Sulphur Springs Valley Electric Cooperative, Inc.

("SSVEC" or "Cooperative") received from Intervenor Susan J. Downing via U.S. Mail, a Motion to Demand Responses to Data Requests ("Motion") dated December 29, 2009. SSVEC hereby responds to this Motion and takes exception to the inaccurate characterizations and claims set forth therein.

On December 14, 2009, counsel for SSVEC received a Procedural Order dated December 11, 2009, in the above-captioned matter. The Procedural Order required SSVEC to "attempt to respond" to Intervenor Susan J. Downing's First Set of Data Requests, that SSVEC had not previously objected to, within 10 business days, or provide an estimate of when the information would be made available if the Cooperative was unable to respond within the timeframe. It also provided that "to the extent a discovery dispute persists, it will be discussed at the January 20, 2010, Procedural Conference." Following receipt of the Procedural Order, SSVEC calculated the deadline for responding to the data requests to be December 29, 2009, and determined that it

Arizona Corporation Commission

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would be able to comply with the deadline.<sup>1</sup> SSVEC then proceeded to complete the responses by December 29, 2009, despite the unavailability of key personnel during this timeframe because of the Christmas holiday. On December 29, 2009, in compliance with the Procedural Order, SSVEC sent to Ms. Downing's address of record via *U.S.P.S Express Delivery*, the responses to the data requests and also hand-delivered a copy of the responses to counsel for Staff.<sup>2</sup>

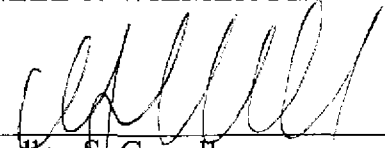
On December 29, 2009, Ms. Downing prepared and mailed her Motion accusing the Cooperative of a "blatant disregard of a Procedural Order." Rather than spending time to draft and send her inflammatory Motion, had Ms. Downing simply contacted counsel for SSVEC, she would have been told that the data responses had been completed and sent to her in compliance with the Procedural Order.

Accordingly, the Motion is moot and should be denied.

RESPECTFULLY SUBMITTED this 4th day of January, 2010.

SNELL & WILMER LLP

By

  
Bradley S. Carroll  
One Arizona Center  
400 East Van Buren Street  
Phoenix, Arizona 85004-2202  
Attorneys for Sulphur Springs Valley  
Electric Cooperative, Inc.

<sup>1</sup> December 29, 2009, is 10 business days from SSVEC's receipt of the procedural order. This counts Christmas Eve day as a business day despite the fact that the Cooperative's offices were closed on that day.

<sup>2</sup> See copy of attached December 29, 2009, transmittal letter.

1 ORIGINAL and 13 copies filed this  
2 4th day of January, 2010, with:

3 Docket Control  
4 ARIZONA CORPORATION COMMISSION  
5 1200 West Washington  
6 Phoenix, Arizona 85007

7 COPIES of the foregoing hand-delivered  
8 this 4th day of January, 2010, to:

9 Steve Olea, Director  
10 Utilities Division  
11 ARIZONA CORPORATION COMMISSION  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

14 Wesley C. Van Cleve, Attorney  
15 Legal Division  
16 ARIZONA CORPORATION COMMISSION  
17 1200 West Washington Street  
18 Phoenix, Arizona 85007

19 COPIES of the foregoing mailed/e-mailed  
20 this 4th day of January, 2010, to:

21 Jane Rodda, Administrative Law Judge  
22 Hearing Division  
23 ARIZONA CORPORATION COMMISSION  
24 400 West Congress  
25 Tucson, Arizona 85701-1347

26 Susan J. Downing  
HC 1 Box 197  
Elgin, Arizona 85611

By 

**Snell & Wilmer**  
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DENVER  
LAS VEGAS  
ORANGE COUNTY  
PHOENIX  
SALT LAKE CITY  
TUCSON

December 29, 2009

**Via U.S.P.S. Express Mail Delivery**

Susan J. Downing  
HC 1 Box 197  
Elgin, Arizona 85611

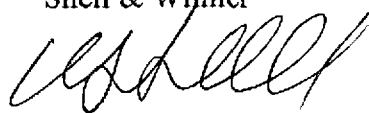
Re: **Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC")**  
**Responses to First Set of Data Requests**  
**Docket No. E-01575A-08-0453**

Dear Ms. Downing:

Pursuant to the Procedural Order dated December 11, 2009, SSVEC hereby provides the attached responses to your First Set of Data Requests to the extent not previously objected to on November 20, 2009.

Very truly yours,

Snell & Wilmer



Bradley S. Carroll

BSC:dcp

Attachment

cc w/att: Wesley C. Van Cleve (via hand-delivery)